

Panaji, 3rd March, 1988 (Phalguna 13, 1909)

SERIES I No. 49

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Notification

1-30-86-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of the existing recruitment rules for the posts, the Governor of Goa hereby makes the following rules relating to recruitment to the General Central Service, Group B Non-Gazetted posts in the office of the Registrar of Co-operative Societies, Government of Goa, namely: —

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Office of the Registrar of Co-operative Societies, Group B Non-Gazetted posts, Recruitment Rules, 1987.

(2) *Application:* These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. **Number, classification and scales of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters

connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. **Disqualification.** — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. **Power to relax.** — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. **Saving.** — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

7. These rules are issued with the approval of Union Public Service Commission granted under their letter No. F. 3/29(10)/87-RR dated 20-10-1987.

By order and in the name of the Governor of Goa.

N. P. Gaunekar, Jt. Secretary (Personnel).

Panaji, 23rd November, 1987.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether benefit of added years of Service admissible under rule 30 of the C.S. (Pension) Rules 1972	Educational and other qualifications required for direct recruits	Whether age & Educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	(6a)	7	8	9	10	11	12	13
Special Auditor — 5.	11 (1987) Subject to variation dependent on workload.	General Central Service Group 'B' Non-Gazetted.	Rs. 1640-60-2600-EB-75-2900.	Selection.	Not exceeding 30 years. (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Central Government).	No.	<p>Essential:</p> <p>i) Degree of a recognised University or equivalent.</p> <p>ii) Training in Co-operation from a recognised Cooperative Training Institute.</p> <p>iii) 3 years' experience in a responsible capacity in cooperation including experience of auditing accounts of cooperative societies or in the field of marketing of agricultural commodities.</p> <p>Note 1: Qualifications are relaxable at the discretion of the U.P.S.C. in case of candidates otherwise well qualified.</p> <p>Note 2: The qualification(s) regarding experience is/are relaxable at the discretion of the U.P.S.C. in the case of candidates belonging to Scheduled Castes and Scheduled Tribes if, at any stage of selection, the U.P.S.C. is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them</p>	No.	Two years	By promotion failing which by transfer on deputation and failing both by direct recruitment.	<p>Promotion:</p> <p>Senior Auditor/Senior Inspector/Special Recovery Officer with 5 years regular service in the respective grade.</p> <p>Transfer on deputation:</p> <p>Officers under the Central/State Govts. and Union Territories:</p> <p>a) i) holding analogous posts on a regular basis; or</p> <p>ii) with 5 years' regular service in posts in the scale of Rs. 1400-2300 or equivalent; and</p> <p>b) possessing educational qualifications prescribed for direct recruits under column 7.</p> <p>(The departmental officers in the feeder category who are in the direct line of promotion will not be eligible for consideration for appointment on deputation. Similarly deputationists shall</p>	<p>Group 'B' D.P.C. for (Considering promotion/confirmation).</p> <p>1. Chief Secretary — Chairman.</p> <p>2. Administrative Secretary — Member.</p> <p>3. Registrar of Cooperative Societies — Member.</p> <p>Note: The Proceedings of the D.P.C. relating to confirmation shall be sent to the Commission for approval. If, however, these are not approved by the Commission a fresh meeting of the D.P.C. to be presided over by the Chairman or a Member of the U.P.S.C. shall be held.</p>	Consultation with Union Public Service Commission necessary while making direct recruitment selecting an officer for appointment on deputation.

not be eligible for consideration for appointment by Promotion. Period of deputiation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/deptt. of the Central Govt. shall ordinarily not exceed 3 years).

Desirable:
Qualifications in Advanced Accountancy, Economics or Agriculture from a recognised University or equivalent.

Law (Legal and Legislative Affairs) Department

LA/B/222/1988

Dt. 18-1-1988

The following Bill which was introduced in the Legislative Assembly of Goa on 13-1-1988 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Municipalities (Amendment) Bill, 1988

(Bill No. 11 of 1988)

A

BILL

further to amend the Goa, Daman and Diu Municipalities Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (Amendment) Act, 1988.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the "principal Act"), after clause (35), the following clauses shall be inserted, namely:—

"(35-A) "Planning and Development Authority" means any Planning and Development Authority constituted under the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975);

(35-B) "planning area" means any area declared to be a planning area under the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975);"

3. *Insertion of new section.*— After section 51 of the principal Act, the following new section shall be inserted, namely:—

"51 A. Notwithstanding anything contained in this Act or any bye-laws, no Council, or any Committee shall exercise any power or pass any resolution in respect of matters pertaining to sections 74, 174, 182, 183, 184, 188, 189, 190, 259, 260, 261, 263, 265 and 266 of the Act."

4. *Amendment of section 59.*— (1) In section 59 of the principal Act,—

(i) in sub-section (1), clauses (b), (c), (d) and (e) shall be deleted.

(ii) sub-section (2) shall be deleted.

5. *Amendment of section 72.*— In section 72 of the principal Act, in sub-section (1), after the words "for every Council," the figure "." shall be deleted

and the following words shall be added, namely "and he shall work under the supervision of the Collector of the District."

6. *Amendment of section 74.* — (1) In section 74 of the principal Act,

(i) in sub-section (1),—

(a) for clause "(a)", the following clause shall be substituted, namely:—

"(a) supervise the financial and executive administration of the Council and exercise such powers and perform such duties and functions as may be conferred or imposed upon him or allotted to him by or under this Act;"

(b) after clause "(h)", the following clauses shall be inserted, namely:—

"(i) inform the President about the matters to be brought before the Council or any committee from time to time;

(j) send reports from time to time to the Director about any resolution of the Council or of any Committee which he thinks unlawful or against the public interest and act in accordance with the decision of the Director in this regard under sub-section (1) of section 295 A of this Act.

(k) send report from time to time to the Director about the delay in the decision of the Council or any Committee regarding any affair which goes against the interest of the Council or public and act in accordance with the decision of the Director in this regard under sub-section (3) of section 295 A of this Act.

(ii) In sub-section (2), the figures and words "with the sanction of the Council," shall be deleted.

7. *Amendment of section 75.* — For section 75 of the principal Act, the following section shall be substituted, namely:—

"75. The powers and duties of all officers and servants of the Council shall be such as the Chief Officer may specify from time to time."

8. *Amendment of section 184.* — In section 184 of the principal Act,—

(i) in sub-section (2), after the existing proviso, the following proviso shall be inserted, namely:—

"Provided further that in a municipal area falling within the jurisdiction of a planning area for which a Planning and Development Authority has been constituted, the notice shall be given to the Member Secretary of the said Planning and Development Authority, who shall forward the same to the Chief Officer concerned after scrutiny, within 60 days of receipt of the notice".

(ii) in sub-section (3),—

(a) under clause (ii), after the words "the Chief Officer", the words "or the Planning and

Development Authority concerned as the case may be" shall be inserted.

(b) for the words "the Chief Officer shall", the words "the Chief Officer or the Member Secretary of the Planning and Development Authority concerned, as the case may be, shall," shall be substituted.

(iii) After sub-section (4) the following proviso shall be inserted, namely:—

"Provided that, if the municipal area falls within the jurisdiction of a planning area for which a Planning and Development Authority has been constituted, the Chief Officer shall grant the necessary permission to construct according to the recommendations of the Planning and Development Authority concerned."

(iv) In sub-section (5), for the words "The Council may," the words "The Council, except in case of a municipal area falling within the jurisdiction of a planning area for which a Planning and Development Authority has been constituted, may," shall be substituted.

9. *Amendment of section 188.* — After the first proviso to sub-section (1) of section 188 of the principal Act, the following proviso shall be inserted, namely:—

"Provided further that a Municipal area falling within the jurisdiction of a planning area for which a Planning and Development Authority has been constituted, the notice shall be delivered or sent by a person constructing the building to the Member Secretary of the Planning and Development Authority concerned who shall send it to the Chief Officer within two days of its receipt and the inspection shall be done jointly by the Chief Officer and the Member Secretary of the Planning and Development Authority within seven days from the date of receipt of notice of completion in the Office of the Member Secretary of the Planning and Development Authority concerned".

10. *Amendment of section 268.* — Sub-section (2) of section 268 of the principal Act shall be deleted.

Statement of Objects and Reasons

A committee headed by Shri J. B. Gonsalves, MLA was appointed to suggest amendments to the Municipalities Act in order to streamline the functioning of Municipalities and to eliminate delays in disposal of cases which affect public in general. It was felt by the Committee that the Chief Officers should have more freedom in exercising their statutory powers, so that day to day administration of the Municipal Councils could be carried on more efficiently. It is considered necessary to amend sections 2, 51, 59, 72, 74, 75 and 268 of the Municipalities Act, so that Chief Officers may be more effective.

2. It has also come to the notice of the Government that delays occur in issue of approval of development plans by Municipalities and Planning and Development Authorities because plans have to be scrutinised almost on the same lines by both these agencies, one after another. In respect of Panchayat areas an amendment has already been made in the

Village Panchayat Regulation to ensure that a building licence is granted to an applicant as soon as he gets the clearance of the Planning and Development Authority concerned. Since it is primarily the responsibility of the Planning and Development Authority to see that development in planning areas takes place in accordance with the provisions of law, it is felt that the power of scrutinising the development plans has to be exercised by the Planning and Development Authority and Village Panchayats should follow the recommendations of the P.D.A. It is felt that if similar provisions are made in respect of Municipal areas, the delay in approval of plans as well as multifarious points of possible corruption can be eliminated to a great extent. Planning and Development Authorities have expressed their willingness to take up the work of examining development plans from the point of view of Municipal bye-laws as well. In order to implement this scheme it would be necessary to amend the Town and Country Planning Act as well as the Municipalities Act to provide for scrutiny of development plans from the point of view of both the Acts at a single place i.e. in the Planning and Development Authority concerned. It is with this aim in view that the amendment of sections 184 and 188 of the Municipalities Act has been proposed.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji, DR. LUIS PROTO BARBOSA
1st January, 1988 Minister for Municipalities

Assembly Hall, M. M. NAIK
Panaji Secretary to the Legislative
7th January, 1988 Assembly of Goa.

(Annexure to Bill No. 11 of 1988)

The Goa Municipalities (Amendment) Bill, 1988

The Goa, Daman and Diu Municipalities Act, 1947
(Act No. 16 of 1968)

Section 59 Functions of President. —

(1) Subject to the provisions of this Act and of any rules and bye-laws framed thereunder, the President of a Council shall —

(a) preside, unless prevented by reasonable cause, at all meetings of the Council and regulate the conduct of business at such meetings;

(b) watch over the financial and executive administration of the Council;

(c) perform such executive functions or exercise such powers as are conferred upon him by or under this Act or any other law for the time being in force;

(d) exercise supervision and control over the acts and proceedings of all officers and servants of the Council in matters of executive administration and in matters concerning the accounts and records of the Council; and

(e) furnish to the Government or the Director or the Collector or any other Government officer authorised by the Government from time to time, such reports, returns or records as may be prescribed by rules or as may be called for at any time by the Government, the Director, the Collector or such officer.

(2) The President may, in cases of emergency, direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Council, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the municipal fund:

Provided that —

(a) he shall not act under this section in contravention of any order of the Council prohibiting the execution of any particular work or the doing of any particular act; and

(b) he shall report forthwith the action taken under this section and the reasons therefor to the Standing Committee and the Council at their respective next meeting.

Section 72: Appointment of Chief Officer, Engineer, Water Works Engineer, Health Officer, Auditor and certain other officers. — (1) There shall be a Chief Officer for every Council.

Section 74. Powers and duties of Chief Officer. — (1) The Chief Officer shall —

(a) subject to the control, direction and supervision of the President, supervise the financial and executive administration of the Council and exercise such powers and perform such duties and functions as may be conferred or imposed upon him or allotted to him by or under this Act;

(b) subject to the rules, bye-laws and general or special orders made under this Act, dispose of all questions such as the pay and allowances, leave and other privileges in respect of the officers and servants of the Council.

(2) The Chief Officer may, with the sanction of the Council, delegate any of the powers or duties or functions conferred or imposed upon or allotted to him by or under this Act, to any municipal officer or servant:

Provided that such delegation shall be subject to such limitations, if any, as may be prescribed by the Council and also to the control and revision by the Chief Officer.

Section 75. Powers and duties of other officers and servants. — The powers and duties of all officers and servants of the Council, other than the Chief Officer, shall be such as the Standing Committee may specify from time to time.

Section 184 sub section (2). Before beginning to construct any building, the person intending to construct shall give to the Chief Officer notice thereof in writing and shall furnish to him at the same time, if required by a bye-law or by a special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Chief Officer, and all information required by the bye-laws or demanded by the Chief Officer regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, privies, water-closets, house-gullies and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, the means of access to such building and the purpose for which the building will be used:

Provided that, if the bye-laws of the Council so require, such notice shall be in such form as the Council may from time to time prescribe and such plans shall be signed by a person possessing the qualification laid down in the bye-laws or licensed under the bye-laws so to sign such plans.

(3) If the person giving notice under sub-section (2) fails to —

(i) furnish all the information and documents required under sub-section (2); or

(ii) the Chief Officer deems it necessary to call for any further information or documents,

the Chief Officer shall, within sixty days of the receipt of the notice, requires such person by an order in writing to furnish such information or documents.

(4) Within sixty days of the receipt by the Chief Officer of the notice under sub-section (2) or if any further information and documents have been called for under sub-section (3) then within sixty days of the receipt of all such information and documents, the Chief Officer may—

(a) grant the necessary permission to construct according to the plans and information furnished under sub-section (2) and sub-section (3);

(b) impose any conditions in accordance with this Act or the rules and bye-laws made thereunder, as to the level, drainage, sanitation, materials or to the number of storeys to be erected, or with reference to the location of the building in relation to any street existing or projected or to the means of access to such building on the purpose for which the building is to be used;

(c) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building or street have been decided to his satisfaction;

(d) subject to the provisions of the next succeeding section, refuse such permission for reasons which shall be communicated to the applicant in writing.

(5) The Council may, before any work has been commenced in pursuance of any permission granted by the Chief Officer under sub-section (4), revoke such permission and may give fresh permission in lieu thereof or issue any other order as may be passed by the Chief Officer under sub-section (4).

Section 188. Completion certificate, permission to occupy or use.—(1) Every person constructing a building shall, within one month after the completion of construction of such building, deliver or send or cause to be delivered or sent to the Chief Officer at his Office, notice in writing of such completion and shall give to the Chief Officer all necessary facilities for inspection of such building:

Provided that—

(a) such inspection shall be commenced within seven days from the date of receipt of the notice of completion; and

(b) the Chief Officer may, not later than one month from the date of receipt of the notice of completion, by written intimation addressed to the person from whom the notice of completion was received,—

(i) give permission for the occupation of such building or for the use of the building or part thereof affected by such construction; or

(ii) refuse such permission in case such building has been constructed so as to contravene any provision of this Act or of any bye-law made under this Act at the time in force or of any order passed under section 184 intimating to the person who gave the notice under sub-section (2) of that section, the reasons for such refusal and requiring such person, or if the person responsible for giving notice under sub-section (2) of the said section is not at the time of such notice owner of such building, then such owner to cause anything which is contrary to any provision of this Act or of any bye-law made under this Act at the time in force or of any order passed under section 184 to be amended or to do anything which by any such provision or bye-law or order he is required to do but which has been omitted.

Section 268. Power to establish cattle-pounds and appoint pound-keepers.—(1) Notwithstanding anything contained in any law for the time being in force, every Council within the limits of its jurisdiction shall, from time to time, appoint such place as it thinks fit to be public pounds, and may appoint suitable persons to be keepers of such pounds.

(2) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Council.

Assembly Hall,
Panaji,
7th January, 1988.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

Legislature Department

LA/B/223/1988

Dt. 18-1-1988

The following Bill which was introduced in the Legislative Assembly of Goa on 13-1-1988 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Motor Vehicles (Requisitioning and Control) Bill, 1988

(Bill No. 12 of 1988)

A

BILL

to provide for the requisitioning and control of motor vehicles in certain emergent circumstances.

Be it enacted by the Legislative Assembly of Goa in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa Motor Vehicles (Requisitioning and Control) Act, 1988.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “motor vehicle” has the same meaning as assigned to that expression under clause (18) of section 2 of the Motor Vehicles Act, 1939 (Central Act IV of 1939);

(b) “owner” includes, where the person in possession of a motor vehicle is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire purchase agreement or, as the case may be, of hypothecation, the person in possession of the vehicle under such agreement or hypothecation;

(c) “prescribed” means prescribed by rules made under this Act.

3. *Declaration of the State Government.*—If the State Government is satisfied that a situation has arisen in which it is necessary or expedient to secure—

(i) the public safety;

(ii) the maintenance of public order or of the services and supplies essential to the life of the community; or

(iii) the relief of distress caused by serious drought, flood, fire or other natural calamity, the State Government may, by notification in the Official Gazette, make a declaration to that effect and such declaration shall continue to be in force till it is rescinded.

4. *Requisitioning of motor vehicle.*—(1) Where a declaration made under section 3 is in force, the

State Government may, by order in writing, requisition any motor vehicle and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no motor vehicle which is engaged in the transport or distribution of any essential commodity in pursuance of any order issued by the Central Government under the Essential Commodities Act, 1955 (Central Act 10 of 1955) shall be requisitioned under this sub-section.

(2) Where the State Government has requisitioned any motor vehicle under sub-section (1), it shall vest in the State Government for the period of the requisitioning and the State Government may use or deal with it in such manner as may appear to it to be expedient.

(3) Any person authorised by the State Government may at any reasonable hour enter any building, land or other premises and inspect any motor vehicle therein or thereon for the purpose of determining whether and if so, in what manner, any order under this section should be made in relation to such vehicle, or with a view to securing compliance with any order made under this section.

5. *Release from requisitioning.* — (1) The State Government may, at any time release from requisitioning, any motor vehicle requisitioned under section 4 and shall, as far as possible, restore the vehicle in as good a condition as it was when possession thereof was taken subject only to the changes caused by reasonable wear and tear.

(2) When any vehicle is to be released from requisitioning, the State Government may after such inquiry, if any, as it may in any case consider necessary to make or cause to be made, specify by order in writing, to whom possession of the vehicle shall be given.

(3) The delivery of possession of the requisitioned vehicle to the person specified in the order made under sub-section (2) shall be a full discharge of the State Government from all liability in respect of such motor vehicle and the requisitioning shall be at an end:

Provided that, nothing in this section shall prejudice any rights in respect of the motor vehicle which any other person may be entitled to by due process of law to enforce against the person to whom the possession of the motor vehicle is so delivered.

(4) Where the person to whom the possession of any requisitioned vehicle is to be given, cannot be found and has no legal agent or other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that the vehicle is released from requisitioning, to be published in the Official Gazette.

(5) When such notice is published in the Official Gazette, the vehicle specified therein shall cease to be subject to requisitioning, on and from the date

of such publication and be deemed to have been delivered to the person entitled to possession thereof and the State Government shall not be liable for any compensation or other claims in respect of the vehicle for any period after such date.

6. *Principles of compensation for requisitioning* —

(1) The compensation payable in respect of requisitioning of any motor vehicle shall be the sum total of the following items: —

(i) Interest on the cost at which the owner had purchased the vehicle calculated in such manner and at such rate not being less than ten per cent per annum as may be prescribed for all or any class of motor vehicles and different rates of interest may be prescribed having regard to the circumstances whether the vehicle was purchased on hire purchase basis or by obtaining loan from bank or otherwise:

Provided that, where the vehicle had been obtained by the owner as a gift or its cost cannot be established by him to the satisfaction of the State Government or its cost exceeds the current replacement price of the vehicle, the current price of the same vehicle which, in the opinion of the State Government is substantially similar to it shall be taken to be its cost;

(ii) An amount representing depreciation of the vehicle during the period of its requisitioning calculated at a rate not exceeding thirty per cent per annum and in a manner that may be prescribed for all or any class of motor vehicles.

(iii) An amount for the loss of the use of the vehicle or of any profits that might have been earned but for the requisitioning, at such percentage not being less than three per cent per annum, as may be prescribed, of the cost referred to in clause (i) as reduced by depreciation calculated at the same rate as per clause (ii) in such manner and for such period as may be so prescribed;

(iv) Any further amount that the State Government may, by general or special order, specify:

Provided that, if during the period of requisitioning the vehicle is damaged otherwise than by normal wear and tear, or lost at a time when it is not insured, there shall be paid to the owner additional compensation of a sum equal to the cost of making good the damage or, in the case of a total loss, a sum equal to the compensation that may be payable if the vehicle is acquired on the date of the loss, such compensation being determined in the prescribed manner.

(2) The amount of compensation to be determined in accordance with sub-section (1) shall be determined within sixty days from the date of release of a motor vehicle from requisitioning under sub-section (1) of section 5.

(3) Where the owner is aggrieved by the amount of compensation determined in accordance with sub-section (1), he may make an application within such time and in such form and manner as may be prescribed, to the State Government for referring the matter to an arbitrator appointed in this behalf by the State Government. Such arbitrator shall be a person who has been a Judge of any Court of law in the State.

The amount of compensation to be paid shall be such as may be determined by the arbitrator in accordance with sub-section (1).

(4) Where there is any dispute as to the right to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred to such arbitrator, appointed in this behalf by the State Government for determination and shall be determined in accordance with the decision of such arbitrator.

(5) Any person aggrieved by the decision of the arbitrator under sub-section (3) or (4), may make an appeal within such time and in such form and manner as may be prescribed, to the District Court having jurisdiction over the area in which the motor vehicle was requisitioned.

(6) The decision of the District Court in appeal and subject to such decision, the decision of the arbitrator under sub-section (3) or (4) shall be final.

7. *Payment of compensation.* — The compensation determined under section 6 for requisitioning any motor vehicle shall be paid within a period of thirty days from the date of determination and in such manner as may be prescribed:

Provided that where requisitioning of a motor vehicle is likely to be continued for a period not less than a month, interim compensation of such adhoc amount as may be prescribed, may be paid:

Provided further that, where payment of the compensation is delayed beyond the period so prescribed, interest shall be payable on the amount or part of the amount in arrear at such rate not being less than ten per cent or more than thirteen per cent per annum as may be prescribed.

8. *Power to require information, etc.* — The State Government may, with a view to requisitioning any motor vehicle or determining the compensation payable thereof or taking any other action in pursuance of the foregoing provisions, by order in writing, —

(a) require any person to submit to it or such authority as may be specified in the order, within such time or at such intervals, such information and documents in his possession relating to the vehicle as may be specified therein, being information and documents reasonably necessary for carrying into effect the provisions aforesaid;

(b) direct that the owner or person in charge of the vehicle shall not, without the permission of the State Government, dispose it of, or remove it from the premises in which it is kept, or remove any tyres, tubes, accessories or parts from the vehicles, till the expiry of such period as may be so specified.

9. *Penalty for contravention of any order regarding requisitioning.* — If any person contravenes any order made under section 4 or any order not being an order made with a view to determining the compensation payable for requisitioning any motor

vehicle under section 8, he shall on conviction be punished with imprisonment for a term which may extend to six months or with fine or with both.

10. *Control of motor vehicles.* — (1) Where a declaration made under section 3 is in force, the State Government may, without prejudice to other provisions of this Act, by general or special order, in such area and for such period as may be specified in the order, —

(a) regulate, restrict or give directions with respect to the use of any motor vehicle for the purpose of road transport or the sale or purchase of any such vehicle;

(b) require any person owning, or having in his possession or under his control any motor vehicle (hereinafter in this section referred to as "the said person"), to make any person specified in this behalf a return giving such particulars as may be specified in the order with regard to such vehicle and require such return to be verified in such manner as may be specified therein;

(c) require the said person to give notice in such manner as may be specified in the order before disposing of the motor vehicle or allowing it to pass out of his possession or control;

(d) require the said person, or any person employed in connection with any motor vehicle, to comply with any directions given by any person specified in, or duly authorised in pursuance of, the order and such directions may require the said person or such employed persons to use the vehicle for the conveyance of such persons or goods at such time and by such routes as may be set forth in the directions;

(e) prescribe the conditions subject to which and the rates at which any motor vehicle may be hired for the purpose of road transport and persons or goods may be carried by road, and the conditions subject to which goods so carried or to be carried may be discharged or loaded;

(f) provide for the giving of directions with respect to the carriage of persons or goods on any particular motor vehicle or by any particular route, or to any clearing house or depot;

(g) provide for the regulation of the priority in which persons and goods are to be carried by road and vehicles are to be used for the purpose of road transport;

(h) make such other provisions in relation to road transport as appear to the State Government to be necessary or expedient.

(2) If any police officer not below the rank of sub-inspector of police or any Gazetted Officer authorised by the State Government in this behalf, has reason to believe that any motor vehicle is or is kept in or upon any building, land or other premises, or is being used by any person in contravention of an order made under sub-section (1), such officer may, —

(a) enter and search any such building, land or premises, as the case may be, and seize any

motor vehicle found, which he suspects to be therein or thereon in contravention of the order;

(b) stop such person and seize any motor vehicle which is being used in contravention of the order.

(3) If any person contravenes any order made in pursuance of this section, he shall on conviction, be punished with imprisonment for a term which may extend to six months, or fine, or with both.

11. *Service of orders and notices.* — Save as otherwise expressly provided in this Act, any order made or notice issued under the provisions of this Act shall be deemed to have been served on the owner of a motor vehicle if it is served on the person having possession or control of that vehicle.

12. *Delegation of powers and duties of State Government.* — The State Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on it by any of the provisions of this Act (except the power to make declaration under section 3 or the power to make rules under section 14) shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged also by the Collector within the territorial limits of his jurisdiction.

13. *Protection of action taken under Act.* — (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or omitted to be done in pursuance of this Act or any rules or orders made thereunder.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused by anything in good faith done or omitted to be done in pursuance of this Act or any rules or orders made thereunder.

14. *Power to make rules.* — (1) The State Government may, by notification in the Official Gazette, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

Statement of Objects and Reasons

At present there is no legislation to provide for the requisitioning of motor vehicles for enabling the State Government to meet the requirements of transport during emergency so as to deal effectively with the responsibilities of maintenance of law and order, maintenance of essential supplies, etc. This Bill, therefore, seeks to provide for the requisitioning of motor vehicles and controlling their use in certain emergent circumstances.

Financial Memorandum

The exact financial implications by way of compensation to the owners of the requisitioned vehicles cannot be quantified since it will be varying according to the need and number of vehicles requisitioned. However, the rates of compensation have been specified in the Bill.

Memorandum Regarding Delegated Legislation

Clause 14 of the Bill empowers the Government to make rules for the purpose of carrying out all or any of the purposes of the Act. This delegation is of normal character.

Panaji

7th January, 1988

Assembly Hall

Panaji

7th January, 1988.

PRATAP Singh RANE

Chief Minister.

M. M. NAIK

Secretary to the Legislative
Assembly of Goa.

Governor's recommendation under rule 207 of the Constitution.

In pursuance of clauses (1) and (3) of article 207 of the Constitution, the Governor of Goa has recommended to the Legislative Assembly of Goa, the introduction and consideration of the Goa Motor Vehicles (Requisitioning and Control) Bill, 1988.